

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

\_\_\_\_\_  
No. 04-13776  
\_\_\_\_\_

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT MAY 6, 2005 THOMAS K. KAHN CLERK
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D. C. Docket No. 02-00336-CV-T-24-TGW

DANIEL C. SYKES,

Plaintiff-Appellant,

versus

PINELLAS SUNCOAST TRANSIT AUTHORITY,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Middle District of Florida  
\_\_\_\_\_

(May 6, 2005)

Before ANDERSON, HULL and GIBSON\*, Circuit Judges.

PER CURIAM:

After oral argument and careful review, we cannot conclude that the

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\* Honorable John R. Gibson, United States Circuit Judge for the Eighth Circuit, sitting by designation.

district court erred in granting judgment as a matter of law on plaintiff's FMLA interference claim. In that regard, we cannot conclude that the district court abused its discretion in declining to entertain plaintiff's belated assertions of a right to nominal damages or equitable relief; thus, there was no relief available to plaintiff, and the district court did not err in granting judgment as a matter of law.

With respect to plaintiff's associational ADA claim based on an alleged hostile work environment, we can assume *arguendo* that a hostile environment could constitute an associational ADA claim, because in this case we conclude that the district court did not err in determining that plaintiff failed to establish a hostile work environment that was sufficiently severe or persuasive to alter the terms and conditions of plaintiff's employment.

Other arguments asserted on appeal are rejected without need for further discussion. Accordingly, the judgment of the district court is

**AFFIRMED.**